

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 2004-11565

**JASON P. FILES,
Plaintiff,**

v.

**MASSACHUSETTS DEPARTMENT
OF CORRECTIONS,
Defendant.**

**DEFENDANTS' MOTION FOR EXTENSION OF TIME
TO FILE ANSWER**

NOW COMES the Defendant, Massachusetts Department of Correction, by and through undersigned counsel, and hereby moves this honorable Court to extend the time for serving a responsive pleading to plaintiff's complaint, up to and including December 17, 2004.

As reasons therefore, counsel states that further time is required in order to investigate and make an informed and intelligent response to the allegations contained within the plaintiff's complaint. The additional time is also required due to counsel's heavy case load including his representation of the Department of Correction in two G.L.c. 123A, section 9 Superior Court jury trials: Thomas v. Commonwealth, Worcester, No. 01-2343, currently on trial in Cambridge Superior Court (expected to close evidence on Friday, October 22, 2004), and Tucker v. Commonwealth, Franklin, No. 01-139, scheduled for trial on November 15, 2004. These trials are extremely fact intensive and require significant preparation.

This delay in responding to the complaint will in no way prejudice the plaintiff's lawsuit.

Respectfully Submitted

by the Commonwealth

NANCY ANKERS WHITE
Special Assistant Attorney General

by:

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Dated: October 29, 2004

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CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1

NOW COMES the Defendant, Massachusetts Department of Correction, by and through undersigned counsel, and hereby certifies that defendant's counsel has conferred with counsel for the plaintiff, in an effort to resolve the issue addressed in the defendant's Motion for Extension of Time, in accordance with LR, D.Mass. 7.1. Defendant's counsel spoke with plaintiff's counsel by phone on October 27, 2004, and plaintiff's counsel indicated that he did not object to the defendant's proposed enlargement of time in this matter.

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Special Assistant Attorney General

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